



# LEGISLATION WITH IMMEDIATE EFFECTIVE DATES AND RETROACTIVE APPLICABILITY PROVISIONS

81st Iowa General Assembly, 2005 Session

Listed by Subject Area

Published by the Iowa General Assembly

Legislative Services Agency - Legal Services Division

Incorporates Governor's actions through Tuesday, June 7, 2005

**Note:** This document identifies by bill title legislation or portions of legislation which are effective before July 1, 2005. Retroactive applicability dates which differ from the date upon which the legislation becomes immediately effective are noted.

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## AGRICULTURE

Relates to tax credits provided for purposes of acquiring agricultural assets by beginning farmers, and provides effective and applicability dates.

HF 869 – Sections 5 and 6

**Retroactive Applicability:** Sections 5 and 6, January 1, 1992

**Effective:** Upon Governor's signature

Provides for life science enterprises authorized to hold agricultural land, makes penalties applicable, and provides an effective date.  
SF 205

**Effective:** 4/6/05

## APPROPRIATIONS

Relates to and makes appropriations to the Department of Economic Development, the Office of the Treasurer of State, certain Board of Regents institutions, the Department of Workforce Development, and the Public Employment Relations Board, related matters, and provides an effective date.

HF 809 – Section 21

**Effective:** Upon Governor's signature

Relates to and makes appropriations to the justice system, revises pretrial release requirements for certain criminal offenses, and provides an effective date.

HF 811 – Sections 21 through 33

**Effective:** Upon Governor's signature

Relates to the funding of, the operation of, and appropriation of moneys to the College Student Aid Commission, the Department for the Blind, the Department of Cultural Affairs, the Department of Education, and the State Board of Regents and provides an effective date.  
HF 816 – Section 22

**Effective:** 6/6/05

Relates to and makes appropriations to the Department of Human Services, the Department of Elder Affairs, the Iowa Department of Public Health, the Commission of Veterans Affairs and the Iowa Veterans Home, and the Department of Inspections and Appeals, provides for fee increases, and includes other related provisions and appropriations, and provides effective dates.

HF 825 – Sections 16(10)(a), 30, 32 through 36, 44, 50, 54, and 82

**Retroactive Applicability:** Section 54, April 19, 2005

**Effective:** Upon Governor's signature

Relates to and makes appropriations to state departments and agencies from the Rebuild Iowa Infrastructure Fund, Environment First Fund, Tobacco Settlement Trust Fund, Vertical Infrastructure Fund, General Fund of the State, and related matters, and creates the Honey Creek Premier Destination Park Bond Program and Authority and provides for the issuance of tax-exempt bonds, and includes effective and retroactive applicability date provisions.

HF 875 – Sections 6, 7, 8, 22, 23, 24, 35, and 42 through 64

**Retroactive Applicability:** Section 35, July 1, 2004

**Effective:** Upon Governor's signature

Relates to state and local finances by providing for tax exemptions, credits, tax credit transfers, and other tax-related matters and by making, reducing, and transferring appropriations, provides for fees, provides for wind energy production tax credits, and provides for properly related matters and penalties, and includes effective and retroactive applicability date provisions.

HF 882 – Sections 4, 16, 21, 28, 65, 66, 67, 68, 76, 79, 83, and 98 through 103

**Retroactive Applicability:** Sections 28 and 66, July 1, 2004; Sections 67 and 68, January 1, 2005

**Effective:** Upon Governor's signature

Relates to financial and regulatory matters by making and increasing appropriations for the fiscal year beginning July 1, 2004, makes civil penalties applicable, and provides effective and applicability date provisions.

SF 342 – Sections 1 through 7

**Retroactive Applicability:** Sections 1 through 7

**Effective:** 6/3/05

## BUSINESS, BANKING, & INSURANCE

Relates to the generation and purchase of renewable energy including establishing a Renewable Energy Tax Credit Program administered by the Utilities Division of the Department of Commerce and the Department of Revenue, and provides an effective date.

SF 390

**Effective:** Upon Governor's signature

## Legislation With Immediate Effective Dates and Retroactive Applicability Provisions

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### CRIMINAL LAW, PROCEDURE, & CORRECTIONS

Relates to criminal sentencing, victim notification, and the Sex Offender Registry, by establishing a special sentence for certain offenders, requiring DNA testing of certain offenders and lengthening the time an information or indictment may be found in certain offenses where DNA evidence is available, requiring sex offender treatment in order to accumulate earned time, restricting certain persons from residing with sex offenders, and establishing a Sex Offender Treatment and Supervision Task Force, and provides penalties and effective dates.

HF 619 – Sections 1 through 18

**Effective:** Upon Governor's signature

Authorizes the appointment of an attorney to represent an indigent person during a termination of parental rights proceeding or an indigent parole violator, and provides effective and retroactive applicability date provisions.

HF 683

**Retroactive Applicability:** Sections 2 through 6 and the portions of sections 8 and 9 relating to Iowa Code chapter 600A, May 12, 2004; Sections 1, 7, 10 through 13, and the portions of sections 8 and 9 relating to Iowa Code chapter 908, November 11, 2004

**Effective:** 5/04/05

### ECONOMIC DEVELOPMENT

Relates to economic development, business, workforce, and regulatory assistance and tax credits, property tax assessment, excise taxes on E-85 gasoline, issuance of revenue bonds, and state developmental, research, and regulatory oversight, and includes effective date and retroactive applicability provisions.

HF 868 – Sections 55 through 60, 62, 63, 65, 66, 69, and 71 through 81

**Retroactive Applicability:** Sections 55 through 60, 62, 63, 65, 66, and 69 apply to tax years ending on or after the effective date of the Act; sections 71 through 81, January 1, 2005

**Effective:** Upon Governor's signature

### EDUCATION

Legalizes actions taken and proceedings conducted by the State of Iowa; Linn County; the City of Cedar Rapids; and the Cedar Rapids Community School District, the College Community School District, and the Linn-Mar Community School District, which relate to erroneously established boundaries, and provides an effective date.

HF 883

**Effective:** Upon Governor's signature

### ENVIRONMENTAL PROTECTION

Relates to an appropriation from the Environment First Fund for the establishment of permanent soil and water conservation practices, by allocating moneys to support the administration of local governmental units, and provides an effective date.

SF 71

**Effective:** 3/31/05

### HEALTH & SAFETY

Relates to the regulation of substances which are precursors to amphetamine and methamphetamine, and provides a penalty and effective dates.

SF 169 – Sections 1, 7, 8, 10, and 11.

**Effective:** 3/22/05; remaining sections effective 5/21/05

### HUMAN SERVICES

Revises child welfare requirements involving children with mental health, behavioral, or emotional disorders, and provides a contingent effective date.

HF 538

**Contingent Effective Date:** Section 2, effective on the initial implementation date of either the receipt of federal approval for the waiver request submitted by the Department of Human Services pursuant to Iowa Code Section 234.7, subsection 2, paragraph "a", as enacted by the Act, or the implementation of a state-funded program in lieu of the federal waiver, as described in Iowa Code Section 234.7, subsection 2, paragraph "b", as enacted by the Act.

Relates to assisted living programs, provides for a fee, provides penalties, and provides an effective date.

HF 585

**Effective:** 4/27/05

Relates to adult day services regulation, provides penalties, and provides an effective date.

HF 587

**Effective:** 4/27/05

Relates to the Volunteer Health Care Provider Program and provides an effective date.

HF 620

**Effective:** 5/5/05

Relates to the Iowa Early Intervention Block Grant Program by changing the reporting requirements, extending the repeal of the chapter establishing the program, and provides an effective date.

HF 742 – Section 2

**Effective:** 6/6/05

## Legislation With Immediate Effective Dates and Retroactive Applicability Provisions

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### **HUMAN SERVICES continued**

Relates to health care reform, including provisions relating to the Medical Assistance Program, provides appropriations, provides effective dates, and provides for retroactive applicability.

HF 841 - Section 25 and provisions requiring the Department of Human Services to request waivers from the Centers for Medicare and Medicaid Services of the United States Department of Health and Human Services and to amend the Medical Assistance State Plan.

**Effective:** 5/12/05

Provides for county eligibility for state payment of property tax relief moneys and allowed growth funding for mental health, mental retardation, and developmental disabilities services, and provides effective and retroactive applicability dates.

SF 404

**Retroactive Applicability:** December 2, 2004

**Effective:** 5/5/05

### **LOCAL GOVERNMENT**

Relates to emergency services provided to residents of certain townships and includes effective date and retroactive applicability date provisions.

HF 607

**Retroactive Applicability:** Section 1, January 1, 2005

**Effective:** 4/28/05

Relates to the exemption from city taxes of land included in an application for voluntary annexation or in a city's involuntary annexation petition and includes effective and applicability date provisions.

SF 78

**Effective:** 5/5/05

Relates to delinquent property taxes and other duties of the county treasurer and includes effective date and applicability date provisions.

SF 265

**Effective:** 4/19/05

### **STATE GOVERNMENT**

Relates to statutory corrections which may adjust language to reflect current practices, insert earlier omissions, delete redundancies and inaccuracies, delete temporary language, resolve inconsistencies and conflicts, update ongoing provisions, or remove ambiguities, and includes effective and retroactive applicability date provisions.

HF 227 – Sections 121 through 124

**Retroactive Applicability:** Sections 15, 122, and 123, July 1, 2004; Section 121, June 30, 2004; and Section 124, January 1, 2005

**Effective:** 4/6/05

Relates to veterans by providing for the establishment of a Department of Veterans Affairs, modifying the definition of veteran property taxation and certain other purposes, providing for the compensation of members of a county commission of veteran affairs, providing for the issuance of combined hunting and fishing licenses to certain veterans, establishing a hepatitis C awareness program for veterans, concerns funds in an account for a state veterans cemetery, concerns military pay differential, and provides an effective date and retroactive and other applicability dates.

HF 374

**Retroactive Applicability:** Section 37, May 17, 2004

**Effective:** 5/5/05

Concerns social and charitable gambling, including the regulation of cash raffles, prohibits raffles at annual game nights, establishes a permanent Electrical and Mechanical Amusement Devices Special Fund and provides an appropriation, prohibits certain electrical or mechanical amusement devices and bona fide contests, provides for the denial, suspension, and revocation of certain gambling licenses by the Department of Inspections and Appeals, and provides an effective date.

HF 646 – Section 5

**Effective:** 5/04/05

Relates to and makes appropriations to certain state departments, agencies, funds, and certain other entities, provides for regulatory authority and other properly related matters, and provides an effective date.

HF 810 – Sections 23 through 26

**Effective:** Upon Governor's signature

Provides for the establishment of a Technology Governance Board within the Department of Administrative Services, and makes an appropriation.

HF 839

**Effective:** Upon Governor's signature of HF 882

Allocates funding appropriated to assist individuals assigned to active duty military service, and provides effective and applicability dates.

SF 75

**Retroactive Applicability:** May 17, 2004

**Effective:** 3/10/05

## Legislation With Immediate Effective Dates and Retroactive Applicability Provisions

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### **STATE GOVERNMENT** *continued*

Relates to nonsubstantive Code corrections and includes effective and retroactive applicability date provisions.

SF 113 – Sections 115, 116, and 117

**Retroactive Applicability:** Sections 115, 116, and 117, July 1, 2004

**Effective:** 3/3/05

Relates to various provisions administered by the Insurance Division of the Department of Commerce concerning premium tax refunds, the Interstate Insurance Compact, insurer insolvency proceedings, individual health insurance, the Small Employer Carrier Reinsurance Program, insurance applications, the Iowa Comprehensive Health Association, fire insurance policies, the Iowa Insurance Guaranty investments by county and state mutual associations, reciprocal or interinsurance contract premium rates, unauthorized activity of insurance producers, and annuity contracts for cemetery and funeral merchandise and funeral services, makes fees and penalties applicable, and provides effective and retroactive applicability dates.

SF 360 – Sections 11, 14 through 16, and the portion of section 17 enacting Iowa Code Section 514E.7, subsection 1, paragraph “e”

**Retroactive Applicability:** Section 11, January 1, 2005; Sections 14 through 16, July 1, 1986; Section 17 (enacting Iowa Code Section 514E.7, subsection 1, paragraph “e”), January 1, 2005.

**Effective:** 4/28/05

### **TAXATION**

Relates to state income taxes by authorizing individuals, corporations, and financial institutions to elect to take the additional first-year depreciation allowance and the increased expensing allowance and to allow the additional first-year depreciation allowance and the increased expensing allowance which were deductible for a tax year for which a tax return was filed prior to a certain date to be deducted on the return filed for the subsequent tax year and includes an effective date provision and a retroactive applicability date provision.

HF 102

**Retroactive Applicability:** Sections 1 and 3, apply to tax years ending after May 5, 2003; Sections 2 and 4, apply to tax years beginning on or after January 1, 2003

**Effective:** 2/24/05

Updates the Iowa Code references to the Internal Revenue Code and includes retroactive applicability and effective date provisions.

HF 186

**Retroactive Applicability:** Sections 1 through 9, January 1, 2003.

**Effective:** 4/13/05

Relates to the establishment of an industrial processing exemption study committee and includes an effective date.

HF 313

**Effective:** 4/29/05

Relates to the property taxation of nursing facilities and includes effective and applicability date provisions.

HF 589

**Effective:** 5/12/05

Relates to the compensation and benefits for public officials and employees and members of the General Assembly, provides for related matters, makes appropriations, and provides effective and retroactive applicability date provisions.

HF 881 – Section 13

**Retroactive Applicability:** Section 13, January 10, 2005

**Effective:** Upon Governor's signature

Relates to tax credit certificates issued by the Iowa Capital Investment Board and provides an effective date.

SF 114

**Effective:** 3/14/05

Relates to sales and use tax changes, excise taxes on rental of rooms and sleeping quarters, and the sale and use of construction equipment, and relates to the policy and administration of other taxes and tax-related matters, and includes effective and retroactive applicability date provisions.

SF 413 – Sections 6, 7, 8, 14, 15, 40, 44, and 71

**Retroactive Applicability:** Sections 6, 7, 8, 14, 15, and 71, July 1, 2004; Sections 37, 38, 39, and 41, January 1, 2005; Section 40, applies retroactively to income taxes withheld for tax years beginning on or after January 1, 2005; Section 44, January 1, 1998; Section 71, applies retroactively to property taxes due and payable in the fiscal years beginning July 1, 2004, and July 1, 2005

**Effective:** 6/3/05

### **TRANSPORTATION**

Relates to State Department of Transportation duties concerning its budget, distribution of state institutional road funds, vehicle weight and length restrictions, all-terrain vehicle use, evidence of interstate authority and penalties, and provides an effective date.

HF 591 – Sections 5 through 7

**Effective:** 4/06/05

Relates to the applicability of motor vehicle financial responsibility provisions to special mobile equipment, and provides an effective date.

HF 870

**Effective:** 5/12/05